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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,872	05/30/2001	Masami Tabata	1232-4719	9001
27123	7590	06/05/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,872

Applicant(s)

TABATA, MASAMI

Examiner

Houshang Safaipoor

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/06, 05/01.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.


Twyler M. Lamb
Supervisory Patent Examiner

DETAILED ACTION

Response to Arguments

Applicant's amendment filed on March 15, 2006, has been entered and made of record.

Applicant's amended has been considered but it is moot in view of the new grounds of rejection.

Claims 2 and 9 are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-8, 11 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hattori (U.S. Patent No. 6,563,609).

Regarding claim 1, Hattori discloses an illumination device which comprises a plurality of light sources (LED's 53) having different emission wave lengths and a light guide member (50) having an entrance surface for receiving light coming from the plurality of light sources, an exit surface for outputting light in an illumination direction, and a first diffusion region (51) for reflecting and/or diffusing an incoming light beam across a longitudinal direction, comprising:

a second diffusion region (54) inserted in an optical path of light between the plurality of

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light sources and the entrance surface, the light being emitted by the plurality of light sources (53);

wherein said second diffusion region (54) is common to light beams coming from the plurality of light sources (fig. 2); and

wherein the plurality of light sources (53) disposed at positions on a plane perpendicular to said longitudinal direction and offset from a plane, which is normal to a surface of the first diffusion region and pass through a center of the first diffusion region in a which direction thereof (fig. 2, 1st diffusion region 51, 2nd diffusion region 54 and light sources 53).

Regarding claim 3, Hattori discloses the device according to claim 1 wherein said second diffusion region comprises a light diffusion surface formed on the entrance surface (col. 5, lines 8-21).

Regarding claim 4, Hattori discloses the device according to claim 1, wherein said second diffusion region comprises a three-dimensionally patterned surface formed on the entrance surface (col. 5, lines 8-21).

Regarding claims 5 and 6, Hattori discloses the device according to claim 1, wherein said second diffusion region comprises a three-dimensionally patterned surface formed on a surface of a resin which covers the light source (col. 5, lines 8-21).

Regarding claim 7, Hattori discloses the device according to claim 1, wherein the plurality of light sources are integrally packaged (fig. 2, LED's 53).

Regarding claim 8, Hattori discloses the device according to claim 1, wherein the plurality of light sources comprise LEDs (fig. 2, LED's 53).

Regarding claim 11, Hattori discloses an image sensor comprising an illumination device

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cited in claim 1, a lens for imaging optical information at a read position, and a photoelectric conversion element for receiving an optical image formed by said lens, and converting the optical image into an electrical signal (fig. 1, col. 4, lines 35-62).

Regarding claim 12 Hattori discloses an image reading apparatus comprising an image sensor cited in claim 11, and driving device adapted to change a relative position of the image sensor along a scanning direction during scanning of the object to be read (fig. 1, col. 36-62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori (U.S. Patent No. 6,563,609).

Regarding claim 10, Hattori does not explicitly disclose the device according to claim 8, wherein the plurality of LED's respectively have red, green, and blue emission wavelengths. The use of LED's with red, green and blue emission wavelengths is well known and routinely implemented in the art. Therefore it would have been obvious to a person of ordinary skill in the art to use such LED's in Hattori's image reader for illumination purposes.

Regarding claim 13 Hattori does not disclose external processing apparatus for controlling the image reading apparatus. The use of computers as an external device for scanner's operation is well known and routinely implemented in the art. Therefore it would have

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been obvious to a person of ordinary skill in the art to have a computer external to Hattori's image reader for controlling the operation of the scanner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 Houshang Safaipoor
Patent Examiner
Art Unit 2625
May 26, 2006


Twyler M. Lamb
Supervisory Patent Examiner